

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

| | | |
|--|---|--------------------------|
| BCG, INC., a Delaware corporation, | : | |
| CHESAPEAKE PRODUCTS & | : | |
| SERVICES, INC., a Delaware corporation | : | C.A. No. 07-cv-207 (GMS) |
| | : | |
| Plaintiffs, | : | TRIAL BY JURY |
| | : | OF TWELVE DEMANDED |
| v. | : | |
| | : | |
| GLES, INC., a Delaware corporation, | : | |
| d/b/a SWEET OIL COMPANY, | : | |
| | : | |
| Defendant/Third-Party Plaintiff | : | |
| v. | : | |
| | : | |
| Sunoco, Inc. | : | |
| | : | |
| Third-Party Defendant | : | |

**MOTION OF THIRD-PARTY PLAINTIFF GLES, INC. d/b/a
SWEET OIL COMPANY FOR SUMMARY JUDGMENT ON
"COUNT I-DECLARATORY JUDGMENT" OF AMENDED
THIRD-PARTY COMPLAINT AGAINST SUNOCO, INC. (R&M)**

Third-Party Plaintiff GLES, Inc., d/b/a Sweet Oil Company, hereby moves for Summary Judgment pursuant to Federal Rules of Civil Procedure 56 on Count I-Declaratory Judgment of the Amended Third-Party Complaint against Sunoco, Inc. (R&M). Third-Party Plaintiff seeks judgment, as a matter of law, declaring that the "incentive payments" under certain Incentive Agreements belong to Sweet Oil and not to Sunoco. In support of this Motion, Third-Party Plaintiff relies on the Statement of Undisputed Facts and the Opening Brief in Support of Third-Party Plaintiff GLES, Inc. d/b/a Sweet Oil Company for Summary Judgment on Count I- Declaratory Judgment of Amended Third-Party Complaint against Sunoco, Inc. (R&M) that are incorporated herein by reference.

Respectfully submitted,



Seth J. Reidenberg, Esquire (No. 3657)
YOUNG CONAWAY STARGATT
& TAYLOR, LLP
The Brandywine Building
1000 West Street, 17th 19801
P.O. Box 391
Wilmington, DE 19899-0391
(302) 571-6600

Hugh J. Hutchison, Esquire
Leonard, Sciolla, Hutchison,
Leonard & Tinari, LLP
1515 Market Street, 18th Floor
Philadelphia, PA 19102
(215) 567-1530
(215) 564-4611 (fax)

Attorneys for Defendant/Third-Party Plaintiff
GLES, Inc., a Delaware Corporation, d/b/a Sweet
Oil Company

Dated: April 7, 2008

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| d/b/a SWEET OIL COMPANY, | : | |
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| Defendant/Third-Party Plaintiff | : | |
| v. | : | |
| | : | |
| Sunoco, Inc. | : | |
| | : | |
| Third-Party Defendant | : | |

ORDER

AND NOW, this day of , upon consideration of the Motion of Third-Party Plaintiff, GLES, Inc., d//b/a/ Sweet Oil Company for Summary Judgment on Count I-Declaratory Judgment of the Amended Third-Party Complaint Against Sunoco, Inc.,(R&M), and any response thereto, it is hereby ORDERED that the Motion is **GRANTED**. On the basis of the stipulated facts and the intent of the parties, as reflected in the clear and unambiguous language of the relevant agreements, is that Sweet Oil has not breached the Incentive Agreements for either the Delmar station or the Duck-In station and is entitled to the incentive payments earned under those Agreements.

BY THE COURT:

J.